

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application. Claims 1, 6, 8, 9, 13, 14, 17, and 19-22 have been amended. No claims have been added or canceled.

Even though not objected to by the Office, claims 1, 17, and 22 have been amended to correct clerical errors noted by Applicants in preparing this response. In particular, the following non-substantive corrective amendments have been made:

1. correcting preamble statements inadvertently placing "comprising" before the end of the preamble; and
2. correcting antecedent basis for the recited "first delivery mechanism."

35 USC §102

Claims 1-5, 9-12, 14-18, 20, 22-24 and 25 stand rejected under 35 USC §102(e) as being anticipated by Carr (US Pat. Pub. No. 2003-0133043).

Applicants traverse the rejections and respectfully submit Applicants are unable to discern from the rejection provided the specific grounds of rejection and the specific sections of the Carr document that anticipates each limitation of each rejected claim as required to properly support the §102(e) rejections. In particular, regarding the rejection of each independent claim 1, 9, 14, 17, 20, and 22, the Office generally points to 10 different Carr paragraphs but fails to provide specific recitations or applications of Carr to claim elements and therefore Applicants cannot easily respond to the asserted anticipation rejection without more information from the Office or engaging in guessing.

However, in an attempt to move prosecution forward, based on a cursory review of Carr, Applicants note Carr does not appear to teach claim 1's recited "converting the enhancement data" and "providing said converted enhancement data to a client."

Various disclosed embodiments concern removing necessity of having an ATVEF decoder on every receiving television, set top box, etc. by externally transcoding ATVEF enhancement data into a format usable by a another device, such as a home computer. With this arrangement, receiving televisions do not need ATVEF decoders. See the Specification at page 4 line 20 through page 5 line 4. See also the Specification at page 5 lines 13-21 which states:

In the illustrated embodiment, rather than directly sending ATVEF data directly to a decoder box 116 (FIG. 1) as discussed above, instead ATVEF data is received by a central ATVEF receiving site 200. The ATVEF receiving site 200 then utilizes converters to transcode received ATVEF data in a format suitable for distribution to a viewer home 100 over a network 106, e.g., wired or wireless networks such as an intranet, the Internet, etc. In one embodiment, the ATVEF data is distributed as TCP/IP network traffic, however it will be appreciated by the skilled artisan that other protocols may be used, and that over time, as network technologies improve, different protocols may be more optimal for ATVEF data distribution.

In an effort to clarify inventive intent in the claims, claims 1, 9, 14, 20 and 22 have been amended to clarify that received enhancement data for a broadcast is received "for a receiver not configured to process enhancement data," e.g., not an ATVEF receiver.

As best Carr is understood, this clarification distinguishes over Carr which appears to assume receivers are ATVEF receivers. See, for example, Carr paragraphs 19 and 29 regarding transmitting ATVEF data to "receivers 16," Carr paragraph 24 which discussed that when a television channel is changed, a "receiver" (which Applicants presume to be an ATVEF receiver) "assumes that the source of the data

network changes accordingly,” and Carr paragraph 25 which indicates more “flexibility and/or to alleviate bandwidth concerns for transport medium 22” can be achieved in some embodiments by transmitting “enhancement data associated with multiple A/V channels (e.g., TV channels) over a link that is separate from the transport medium used to transmit the A/V content.”

These ATVEF receivers of Carr are not what is claimed.

Applicants traverse the overly broad generalization in the Action stating “Claims 9, 14, 17, 20, and 22 correspond to the method claim 1. Therefore each is analyzed and rejected as previously discussed.” While these different claim series have features in common, they are not the same. For example, claim 14’s “central site for providing converted enhancement data to the viewer over a data network” is not present in claim 1. Therefore, claim 14 can not be rejected on the exact grounds as for claim 1.

Regarding the dependent claims 2-4, 11-12, 15-18, 23-24, and 25, Carr fails to teach every element of every dependent claim in combination with the limitations of their base claim and intervening claims, and therefore the rejection of these claims must be withdrawn. For example, where does Carr teach the push environment of claim 4 or the pull environment of claim 5? (Pushing and pulling content is different than simply receiving broadcasted content.)

Applicants further note that the dependent claims are also allowable for at least the reason of depending from an allowable base claim.

35 USC §103

Claims 6-8, 13, 19, and 21 are rejected under 35 USC 103(a) as being obvious over Carr in view of Reynolds (US Pat. No. 2002/0138852). Applicants direct the Examiner's attention towards 35 USC 103(c) which states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

It is respectfully submitted that at the time of the invention of the present matter through now, both the Carr matter and the present matter were owned by and obligated to be assigned to Intel Corporation, hence Carr is not valid prior art for these rejections.

In light of the inapplicability of Carr, Applicants have **not** performed any substantive review of the merits of applying Carr and Reynolds as suggested to the recited embodiments.

Applicants submit the rejections are overcome and further submit that rejected claims 6-8, 13, 19, and 21 are in condition for allowance. To facilitate such allowance claims 6, 8, 13, 19 and 21 have been rewritten in independent form.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-25 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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